

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIRK D. WILLIAMS,

Plaintiff,

v.

MCDONALD'S CORPORATION,

Defendant.

No. 2:20-cv-1214 TLN DB PS

ORDER

Plaintiff Kirk Williams is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On September 8, 2021, the undersigned issued findings and recommendations recommending that this action be dismissed due to plaintiff's failure to prosecute as evidenced by plaintiff's failure to file an opposition or a statement of non-opposition to defendant's pending motion to dismiss. (ECF No. 29.)

However, plaintiff filed a motion seeking an extension of time on September 7, 2021, but was not docketed until September 9, 2021. (ECF No. 30.) Therein, plaintiff explains that an extension of time is necessary because plaintiff was recently "arrested and now detained at Sacramento County Main Jail[.]" (Id. at 1.) Good cause appearing, plaintiff's request will be granted.

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On September 9, 2021, plaintiff also filed a motion to order this action submitted to the “voluntary dispute resolution program[.]” (ECF No. 31 at 1.) However, in light of defendant’s pending motion to dismiss the undersigned does not find this action suitable for voluntary dispute resolution at this time.

Accordingly, IT IS HEREBY ORDERED that:

1. The September 8, 2021 findings and recommendations (ECF No. 29) are vacated;
2. Plaintiff’s September 7, 2021 motion for an extension of time (ECF No. 30) is granted;
3. Plaintiff shall file an opposition or statement of non-opposition to defendant’s motion to dismiss on or before **October 29, 2021**;
4. Defendant may file a reply within seven days of the date of plaintiff’s filing an opposition; and
5. Plaintiff’s September 9, 2021 motion for voluntary dispute resolution (ECF No. 31) is denied.

Dated: September 15, 2021


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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